

CHAPTER: V TECHNICAL ELIGIBILITY	SECTION: 7 CHILD SUPPORT COOPERATION REQUIREMENTS	COMAR: 07.03.03.10
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REQUIREMENTS

- A. As a condition of eligibility, an applicant or customer of TCA must:
1. File an application for child support enforcement services for each child in the assistance unit who has one or more absent parents
 - Must cooperate with child support before TCA benefits are authorized
 - a. Do not delay benefit issuance if the applicant is willing to cooperate, but cannot get an appointment with the child support agency or the State's Attorney's Office
 - b. Include child support cooperation as part of the Independence Plan when appointments are not available prior to benefit authorization
 - Minor parents who are heads of households must file applications for support from their absent parents
 2. Assign to the State any rights to support for any child in the assistance unit, including:
 - Support from the absent parents of the minor parents who are heads of households
 - Support from the parents of the non-custodial minor parent
 - Alimony when paid by the absent parent of one or more of the children in the assistance unit
 3. Cooperate with establishing and enforcing child support for each child, unless exempt for good cause, to:
 - Identify and locate the absent parent
 - Establish paternity of a child born out of wedlock
 - Obtain support payments, health insurance coverage, or other payments or property due the relative or child

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Note: Each applicant is required to take as many steps as possible during the TCA application process to cooperate with establishing and enforcing child support. The requirement can vary depending on the current status of child support and the time factors needed in the local jurisdiction to initiate child support activities.

Note: The non-parent caretaker relative is not exempt from child support requirements and the case is subject to sanction.

- B. The caretaker relative must meet the requirements in A. above for any child added to the assistance unit, including newborns
1. When pregnancy is reported, try to get all needed information before the baby is born
 - Complete **Form 903** with all identifying information about the absent or putative father and have the form signed before the child is born
 - When feasible, according to local procedures, require the pregnant woman to see the Child Support worker before the baby's birth if she is in the office
 - When the baby is born and the **Form 491** is received, enter the information into CARES and add the baby to the assistance unit
 - a. Entering the information into CARES will meet the initial requirements to file the application prior to issuance of benefits, assignment of support, and cooperation even if the pregnant woman could not be interviewed by Child Support
 - b. Child Support will follow up with an appointment if needed
 - c. It is not necessary for the custodial parent to come into the office when the baby is born if the **903** was completed and signed prior to the birth of the baby and the completed and signed **491** is mailed to the local department
 - Do not delay adding the newborn to the grant pending the interview with Child Support

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2. When the baby is not reported until born or the new child is older, the caretaker relative
 - Must send completed **Forms 903** and **491** and needed verification, or
 - Be seen in the office to apply for the new child, and
 - a. Provide all information about the absent parent(s) or putative father for entry into CARES
 - b. Provide all needed verification
 - c. See a Child Support worker if feasible
 - d. Agree to cooperate if not able to see Child Support

Note: Entry of the absent parent information in CARES will generate the application and meet the requirement.

REQUIREMENTS – COOPERATION

- A. Parents and caretaker relatives must cooperate with establishing and enforcing child support unless good cause is established
- B. Cooperation includes:
 1. Appearing at the child support enforcement agency (CSE) or the local department to provide written or verbal documentary information that the customer can reasonably obtain, such as:
 - First and last name of the putative father or absent parent
 - Other information that can help identify and locate the putative father or absent parent:
 - a. Social Security number
 - b. Aliases
 - c. Birth-date
 - d. Address
 - e. Employer, employer's address and telephone number
 - f. Occupation

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- g. Schools attended
 - h. Any incarcerations
 - i. Motor vehicle information
 - j. Credit card or bank numbers
 - k. Names and addresses of parents and relatives
 - l. Physical description
2. Appearing as a witness in court or at other hearings or attending interviews
 3. Providing information or attesting to the lack of knowledge under penalty of perjury
 4. Submitting to and/or having the child submit to genetic testing
 5. Providing information about another person who may be the parent if genetic test precludes the individual previously named
 6. Informing the child support enforcement agency of any address or telephone changes for the custodial relative
 7. Informing the child support enforcement agency of any changes for the non-custodial parent(s)

Note: Changes reported to the case manager and entered into CARES are sent to Child Support Enforcement through the automated interface. The customer does not need to notify Child Support Enforcement directly.

8. Paying to the child support enforcement agency, any child support received from an absent parent that is covered by the assignment of support

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GOOD CAUSE

A. “Good cause” exists when:

1. Cooperation is reasonably expected to result in serious physical or emotional harm to the:
 - Child, or
 - Relative with whom the child lives
2. The child was conceived as a result of incest or forcible rape
3. The relative is currently working with a public or licensed private social service agency to resolve whether to:
 - Keep the child, or
 - Relinquish the child for adoption, and
 - The discussions have not gone on for more than 3 months
4. Legal adoption proceedings are pending before a court authorized to handle the particular case

B. When good cause is claimed because cooperation may result in physical or emotional harm to the child or the caretaker relative:

1. Do not require the caretaker relative to provide documentation
2. Make a referral to the in-house family violence expert who, with the case manager, will determine if there is a valid good cause claim

C. An applicant or customer may make a claim of good cause at any time

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GOOD CAUSE EVIDENCE

- A. If the individual is able to obtain the following documents, they may be used as acceptable evidence of good cause:
1. Birth certificate or law enforcement record that indicates the child was conceived as a result of incest or forcible rape
 - If these documents are not available, accept the customer's statement
 2. Court document or other record that indicates legal adoption proceedings are pending
 3. Court, medical, criminal, child protective services, psychological, or law enforcement records indicating that the putative father or absent parent may inflict physical or emotional harm on the child or the relative
 4. Medical records of past and current emotional health status or written statements from mental health providers which indicate that cooperating with child support would endanger the mental or emotional health of the child or the relative's ability to care for the child
 5. A written statement from the public or licensed private social service agency that the relative is being assisted to resolve whether or not to relinquish the child for adoption and the discussions have not gone on for longer than 3 months
 6. Written statements from the caretaker relative or others with knowledge of the circumstances that support a good cause claim
 7. Notification of a good cause finding from the family violence counselor
- B. Do not contact the absent parent to get additional information while investigating the claim of good cause

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GOOD CAUSE DETERMINATION

- A. The case manager determines if good cause exists based on an examination of the evidence supplied by the caretaker relative
- B. The decision concerning good cause must:
 1. Be in writing
 2. Give the basis for the decision
 3. Be made within 45 days unless:
 - Information needed to verify the claim cannot be obtained within the time standard
- C. Retain a copy, in the case record, of the decision and basis for the finding
- D. Promptly provide a copy of the decision and basis to Child Support
- E. Put all information about the good cause claim and decision in the case narrative
- F. If a claim of good cause is pending, do not deny, delay, or terminate the TCA case for non-cooperation with Child Support Enforcement

GOOD CAUSE CLAIM DECISIONS

- A. When the good cause claim is established:
 1. Notify Child Support not to pursue support action
 2. Review the decision when the circumstances that substantiated good cause are likely to change
 - Conduct the review at each recertification
 - Initiate child support activities when circumstances change and good cause no longer exists

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- B. When the good cause claim is not established, notify the caretaker relative and give the following choices:
1. Cooperate with child support enforcement - notify Child Support to pursue support
 2. Continue to refuse to cooperate - deny or close the case (the state may pursue support as reimbursement for TCA payments already made)
 3. Withdraw the application - the state may continue support activities as reimbursement if TCA payments were made
 4. Appeal the decision - notify Child Support not to pursue support activities pending the appeal decision

ADEQUATE REASONS

- A. When the local department's Child Support Agency finds that the caretaker relative is not cooperating with child support services, they are responsible for determining if there are adequate reasons for the non-cooperation
- B. Adequate reasons for non-cooperation are circumstances beyond the relative's control that prevent the individual from complying with a specific requirement needed to establish or enforce child support, which include, but are not limited to:
1. Mail from Child Support going to the wrong address
 2. Natural disaster or civil disorder
 3. Critical illness
 4. Family crisis requiring the relative's full attention
 5. The relative's absence from home for a period that includes both the time the notices were sent and the appointments were scheduled
 6. The caretaker relative has acted in good faith, but cannot reasonably be expected to have the required information for various reasons, including but not limited to:
 - No contact with the absent or putative parent for several years
 - The relationship was so casual, little personal information was exchanged
 - The putative father misrepresented himself

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7. The information is not sufficient to locate the absent or putative parent, but there is no indication that the caretaker relative is:
 - Withholding information, or
 - Providing false, inconsistent, or contradictory information

Note: When there is not sufficient information to establish a court order or paternity, the Child Support worker may require the caretaker relative to sign a sworn statement that all available information was provided.

Documentation may be required to substantiate other adequate reason claims.

- C. When an adequate reason is established, the family remains eligible for TCA and the relative is given another opportunity to meet the requirement
- D. When an adequate reason is not established or the relative does not claim a reason for non-cooperation, Child Support notifies the case manager
- E. The case manager determines if there is a good cause reason for not cooperating, and
 1. If so, notes the reason and decision in the case narrative and notifies Child Support
 2. If not, takes the case actions listed in Non-Cooperation – Case Action, below

NON-COOPERATION – CASE ACTION

- A. Always screen every case for family violence issues prior to imposing a sanction or denying a case
 1. Customers who claim family violence safety issues have good cause
 2. Document the results of the screening in the CARES narrative and follow the instructions under Good Cause

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- B. At application, deny the case for non-cooperation, but do not sanction
1. Continue to process the Food Stamp application – do not use phantom income
 2. Continue to process Medical Assistance eligibility for the children – the caretaker relative is not eligible because cooperation with child support is also an MA requirement
- C. Impose a full-family sanction on an active case for non-cooperation after the following actions:
1. Notify the relative about the finding of non-cooperation
 - Ask the relative to come to the local department for a conciliation conference or call to discuss the situation
 - Determine if good cause exists, and if so, make a note in the narrative, notify Child Support, and do not impose the sanction
 2. Make every effort to secure the relative's cooperation within the 30 days following the determination of non-cooperation
- Note:** Place emphasis on the benefit to the child, the child's future, and that child support can help the family achieve independence.
3. If unable to obtain the customer's cooperation, send the **Notice of Adverse Action (NOAA)** at least 5 working days before the end of the 30-day period

Note: Give only one 30-day conciliation period per TCA case for non-cooperation with CSE. For subsequent incidents:

- Notify the caretaker relative about the non-cooperation
- Determine if there is good cause
- Send the **NOAA** immediately if there is no good cause

4. A sanction incident occurs the date the **NOAA** is sent

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5. Make the full-family sanction effective the first of the month following the expiration of the adverse action period
 - The children remain eligible for Medical Assistance if otherwise eligible
 - The adult is not eligible because child support cooperation is also a requirement for MA
 - Update the Food Stamp case continuing to include the household income plus the TCA received prior to the sanction (phantom income)
6. Lift the sanction for TCA only when the customer has complied with the requirement that caused the case to close.
 - If the relative complies in the first non-payment month, the family receives a full check for the month. It is not pro-rated.
 - If the relative agrees to comply in the first non-payment month, but is unable to meet the requirement because an appointment or court date could not be scheduled in that month:
 - a. Do not authorize a TCA grant for the first non-payment month
 - b. Authorize a full grant for the month in which compliance occurs
 - If the relative does not begin to comply until after the first non-payment month, authorize benefits based on the application date, only after the relative has complied with the requirement
 - If the relative begins to comply after the adverse action notice is sent and before the effective date of the sanction, but the specific requirement to meet compliance cannot be achieved until after the effective date of the sanction:
 - a. Allow the full-family sanction to go into effect
 - b. After compliance, re-open with no proration
 - If the relative begins to comply before the notice of adverse action is sent, do not initiate a sanction and do not count a sanction occurrence

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VERIFICATION

- A. Documentation is required, using local procedures, that an applicant or customer applied for child support
- B. Documentation may be required to substantiate:
 - 1. Adequate reasons for not cooperating
 - 2. Good cause reasons for not cooperating if the reasons are other than family violence

CASE MANAGEMENT TIPS

- A. Require child support compliance for TCA, Medical Assistance, and Purchase of Care, but not for the Food Stamp Program
 - 1. Use the TCA benefit as phantom income for food stamps under the “non-compliance with other means tested programs” provision if the customer was non-cooperative and the case is sanctioned
 - 2. Do not use phantom income if the TCA case is denied at application
 - 3. Continue to certify the children for MA if the TCA case is closed or determine eligibility for MA if the TCA case is denied
- B. Reinstate the case only before the effective date of the closing.
- C. Re-open a case after the effective date of the closing and use the first of the month as the application date if the grant is not prorated
- D. Do not add a newborn to the grant until the customer submits an Interim Change **Form 491** and assigns support
 - 1. Complete the **Assignment of Support Form 903** with all information about the absent parent as soon as the pregnancy is acknowledged.
 - 2. When **Form 491** is received, add the child and enter the **903** information on CARES.
- E. Retain the **903** as part of the permanent case record – mark it “**Do Not Retire**”. Child Support Enforcement may request a copy at any time.

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EXAMPLES

Example 1. Martha Washington applies for TCA for herself and her son George because George's father went to Delaware and is not providing support. Mrs. Washington is referred to Child Support. She agrees to return on another day to see the Child Support worker because she has to be home before her son gets home from school. Although Mrs. Washington does bring in proof that she has looked for a job, she does not file for child support and does not claim good cause. There is no problem getting appointments with the child support agency.

- Deny the case for non-cooperation
- If Ms. Washington tried to get an appointment with child support, but the agency was back-logged, approve the case and include child support requirements in her Independence Plan

Example 2. Mary Lincoln applies for assistance for herself and her three children, Abe Jr., Todd and Willie. She files for support for Abe and Todd, but does not want to file for Willie because his father buys Willie's clothes, diapers, and formula. She is afraid he will stop any support if he has to go to court. After discussing the benefits for Willie of establishing paternity and a court order, Ms. Lincoln still will not file for support for him.

- Deny the case because child support compliance is required for every absent parent

Example 3. Abigail Adams applies for TCA for herself and two children, John and Abby. She is claiming good cause because the children's father John, Sr. has threatened her if she takes him to court for a divorce or support. She believes him because he has been abusive in the past and she definitely does not want him to have her address. Mrs. Adams has never filed a police report, been to the hospital, or confided in any friend or health professional.

- Refer Mrs. Adams to the family violence expert
- Accept a statement from Mrs. Adams corroborating the good cause
- Base the good cause determination on Mrs. Adams' statement and the family violence expert's documentation
- Approve the case and notify Child Support to suspend all activities

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Example 4. Dolly Madison receives TCA for herself and her son James. She did not attend the scheduled hearing for support and did not respond to Child Support's attempts to contact her. Child Support notified the Family Investment case manager who determined that Ms. Madison did not have good cause and began the 30-day conciliation period by sending a letter to Ms. Madison and having a telephone conference. Ms. Madison said she took her son to the doctor to get his shots. Child Support agreed to accept this as adequate reason and rescheduled the hearing. Again, she missed the hearing and did not respond to Child Support's attempt to contact her. After notification from Child Support, the case manager contacted Ms. Madison who again did not have good cause. She just wasn't feeling very well, but had no reason for failing to talk to the Child Support worker. Child Support does not accept this as an adequate reason.

- Send Ms. Madison a notice of adverse action and impose the full-family sanction

Note: The 30-day conciliation period is allowed only once. Since it was initiated during the first instance of non-compliance, it is not allowed again even though the full period was not used.

- Retain MA for James through the TCA end date and reconsider his eligibility again at that time
- Update food stamps, using the TCA benefit paid prior to the sanction as phantom income

Example 5. Ms. Madison comes back to the local department on March 22, as soon as she receives the NOAA, and promises to keep the next hearing date. The effective date of the case closing is April 1. Ms. Madison cannot get another court date until May 24. She does not appeal.

- Allow the full-family sanction to go into effect
- Re-open the case when Ms. Madison submits proof she attended the hearing
- Do not authorize TCA for April because compliance has not been met in April
- Authorize a full TCA benefit for May after May 24, because Ms. Madison began the compliance process before the end of the first non-payment month

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Example 6. Ms. Patsy Jefferson receives TCA for herself and her daughter Jillian. She filed for child support, but did not keep her appointment with the state's attorney. Ms. Jefferson now wants to claim good cause because Jillian's father is her uncle who raped her. She has no outside proof.

- Notify Child Support Enforcement to stop all child support activity as Ms. Jefferson has proven good cause
- Accept Ms. Jefferson's statement
- Refer Ms. Jefferson to the family violence expert
- Review the situation at recertification since it could change

Example 7. Ms. Margaret Truman applied for TCA for herself and her one-week old baby, Bess. She only expects to need TCA temporarily because she is working with a service agency to have Bess adopted and does not want to file for child support. Ms. Truman will not provide the name of the agency or bring in a statement from them and will not file for support.

- Refer Ms. Truman to services to help obtain the information
- If Ms. Truman still does not cooperate, deny the case because Ms. Truman will not provide information to document her good cause claim. Providing that information will not endanger her or her child, so her statement alone is not sufficient

ADDITIONAL INFORMATION

- Sanctions – Child Support
- Adverse Action – Adverse/Timely Notice
- Application – Payment Date
- Application – Family Violence Screening